APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,499	03/04/2002	Anthony J. Dezonno	6065-82964	6038

			EXAMINER
24628	7590	10/18/2006	GENACK, MATTHEW W

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ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 July 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12 September 2006</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The Art Unit location of your application in the USPTO has changed. To aid in

correlating any papers for this application, all further correspondence regarding this

application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1, 6-8, 13-15, and 19 are rejected under 35 U.S.C. 102(e) as being

anticipated by Alpdemir, U.S. Patent Application Publication 2002/0035474.

Regarding Claims 1, 8, and 15, Alpdemir discloses a method, system, and

business model for an information system and service having business self-promotion

features whereby consumers call an information center associated with a business

using a regular telephone (Abstract, [0002] Lines 1-7, [0018], Fig. 1). A live agent may

handle some calls ([0059], [0110] Lines 1-7). A caller may submit a query pertaining to

the activities of the business ([0002], [0018], [0085], [0094], [0141] Lines 1-5). The

user's question can then be translated into Voice Extensible Markup Language (VXML)

with a speech-to-text (STT) conversion engine ([0138] Lines 1-17, Fig. 1). Artificial

intelligence is used in the processing and answering of the query ([0141] Lines 7-9). A

text-to-speech (TTS) engine and speech server are used to provide the answer to the

caller (Abstract, [0139] Lines 1-5, [0143] Lines 1-11, Fig. 1).

Regarding Claims 6 and 13, Alpdemir discloses that a personal computer (PC),

personal digital assistant (PDA), or other appliance capable of displaying HTML pages

may submit a query to the information center (Abstract, [0139] Lines 8-19, Fig. 1).

Regarding Claim 14, Alpdemir discloses that a user may inquire about a

category, a category and a location, or any item or combination of items ([0108]).

Regarding Claims 7 and 19, Alpdemir discloses that a query may be submitted

via email ([0054]).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 2, 9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Alpdemir in view of Gavan et. al., U.S. Patent No. 6,601,048.

Alpdemir does not expressly disclose the use of a caller call record by the

artificial intelligence engine in the processing of a call.

Gavan et. al. discloses a system and method for processing event records for the

purposes of detecting and managing fraud (Abstract, Column 2 Lines 18-28).

Specifically, in the context of telecommunications fraud detection, artificial intelligence is

used to monitor event records that are stored in a call history database, said records

containing information pertaining to the identity of the caller and the called parties

(Column 3 Lines 38-64, Column 11 Lines 4-65, Figs. 2 and 4).

At the time that the invention was made, it would have been obvious to one of

ordinary skill in the art to modify the invention of Alpdemir by providing for use of call

records, said call records containing information pertaining to identity and contact

history, by an artificial intelligence engine in the processing of a call.

One of ordinary skill in the art would have been motivated to make this

modification so as to provide a less rigid system of pattern analysis in the processing of

a telecommunications traffic (Gavan et. al.: Column 2 Lines 6-15).

6.   Claims 3-4, 10-11, 17, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Alpdemir in view of Saylor et. al., U.S. Patent No. 6,792,086.

Regarding Claims 3, 10, and 17, Alpdemir does not expressly disclose the

conversion of an answer into an extensible markup language.

Saylor et. al. discloses a system and method whereby voice codes store content,

said content being accessible by telephone (Abstract, Column 1 Lines 62-66, Column 5

Lines 12-14). A user calls a call processing center, and said call center processes an

information request from said user via a voice browser module that uses speech

recognition to interpret the user's request for information. This information may be

disseminated by an organization whose purpose is commerce-related (Column 3 Lines

36-41, Column 5 Lines 41-42 and 55). The user may ask a business-related question

(Column 17 Lines 13-16). An interpreter may be used to provide requested Voice XML

information to the user (Column 8 Lines 16-20).

At the time that the invention was made, it would have been obvious to one of

ordinary skill in the art to modify the invention of Alpdemir by providing for the

conversion, by the AI engine, of the provided answer into an extensible markup

language.

One of ordinary skill in the art would have been motivated to make this

modification because the customer may be using a device that is more suited to

receiving an answer in extensible markup language form than in the form of synthesized

speech.

Regarding Claims 4 and 11, Alpdemir discloses that the requested information

may be passed through a text-to-speech engine and speech server and played on the

user's telephone (Abstract, [0139] Lines 1-5, [0143] Lines 1-11, Fig. 1).

Regarding Claim 20, Alpdemir discloses a method, system, and business model

for an information system and service having business self-promotion features whereby

consumers call an information center associated with a business using a regular

telephone (Abstract, [0002] Lines 1-7, [0018], Fig. 1). A live agent may handle some

calls ([0059], [0110] Lines 1-7). A caller may submit a query pertaining to the activities

of the business ([0002], [0018], [0085], [0094], [0141] Lines 1-5). The user's question

can then be translated into Voice Extensible Markup Language (VXML) with a speech-

to-text (STT) conversion engine ([0138] Lines 1-17, Fig. 1). Artificial intelligence is used

in the processing and answering of the query ([0141] Lines 7-9). A text-to-speech (TTS)

engine and speech server are used to provide the answer to the caller (Abstract, [0139]

Lines 1-5, [0143] Lines 1-11, Fig. 1). The requested information may be passed

through a text-to-speech engine and speech server and played on the user's telephone
(Abstract, [0139] Lines 1-5, [0143] Lines 1-11, Fig. 1).

Alpdemir does not expressly disclose the conversion of an answer into an
extensible markup language.

Saylor *et. al.* discloses a system and method whereby voice codes store content,
said content being accessible by telephone (Abstract, Column 1 Lines 62-66, Column 5
Lines 12-14). A user calls a call processing center, and said call center processes an
information request from said user via a voice browser module that uses speech
recognition to interpret the user's request for information. This information may be
disseminated by an organization whose purpose is commerce-related (Column 3 Lines
36-41, Column 5 Lines 41-42 and 55). The user may ask a business-related question
(Column 17 Lines 13-16). An interpreter may be used to provide requested Voice XML
information to the user (Column 8 Lines 16-20).

At the time that the invention was made, it would have been obvious to one of
ordinary skill in the art to modify the invention of Alpdemir by providing for the
conversion, by the AI engine, of the provided answer into an extensible markup
language.

One of ordinary skill in the art would have been motivated to make this
modification because the customer may be using a device that is more suited to
receiving an answer in extensible markup language form than in the form of synthesized
speech.

Response to Arguments

7.   Applicant's arguments filed 27 July 2006 have been fully considered but they are

not persuasive.

Applicant asserts that "Alpdemir does not disclose the use of an artificial

intelligence engine for forming answers to queries from callers as claimed." Paragraph

0141 addresses the problem whereby a system processes a user's voice query. Thus,

the words "Natural speech processing and artificial intelligence are known in the art" in

this context, refer to the use of natural speech processing and artificial intelligence

(which, by inherency, must involve an artificial intelligence engine) for answering a

user's voice query.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Matthew W. Genack whose telephone number is 571-

272-7541. The examiner can normally be reached on FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-7541.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Genack

Examiner

TC-2600, Division 2617

16 October 2006

DUC M. NGUYEN
SUPERVISORY PATENT EXAMINE:·
TECHNOLOGY CENTER 2600